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N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
MAUREEN BUTKEWICH, LPN	:	
License No. 26NP05187400	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing (the [Board]) upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Maureen Butkewich ([Respondent]) is licensed as a licensed practical nurse (LPN) in the State of New Jersey and has been an LPN licensee since July 7, 1998. Prior thereto, Respondent was a Certified Homemaker-Home Health Aide (CHHA) in the State of New Jersey since December 14, 1993.
2. As part of her application to reinstate a lapsed license, submitted in or around May 2010, Respondent submitted a Certification and Authorization for a Criminal History Background Check and checked "no" to the question asking whether she had been arrested or convicted. The Criminal History Background Check revealed multiple arrests and convictions.

a. On July 22, 1991, Respondent was arrested by Eatontown Police Officers and charged with Shoplifting, in violation of N.J.S.A. 2C:20-11. On August 29, 1991, a judge of the Eatontown Municipal Court found Respondent guilty of Shoplifting, N.J.S.A. 2C:20-11 and assessed Respondent three hundred fifty-five dollars (\$355).

b. On August 14, 1992, Respondent was arrested by Eatontown Police Officers and charged with Obstructing Court Order, in violation of N.J.S.A. 2C:29-9, and Harassing Communication, in violation of N.J.S.A. 2C:33-4. On February 23, 1993, a judge of the Ocean Township Municipal Court dismissed the charges, which had been amended to charges of Terroristic Threats, in violation of N.J.S.A. 2C:12-3 and Obstruction of Justice, in violation of N.J.S.A. 2C:29-9B.

c. On May 6, 2001, Respondent was arrested by Long Branch Police Officers and charged with Simple Assault, in violation of N.J.S.A. 2C:12-1A. On September 24, 2002, a judge of the Long Branch Municipal Court dismissed the charge.

d. On February 6, 2003, Respondent was arrested by Long Branch Police Officers and charged with Simple Assault, in violation of N.J.S.A. 2C:12-1A and Resisting

Arrest, in violation of N.J.S.A. 2C:29-2. On June 13, 2003, a judge of the Long Branch Municipal Court dismissed the charges.

e. On September 22, 2005, Respondent was arrested by Long Branch Police Officers and charged with Simple Assault, in violation of N.J.S.A. 2C:12-1A. On January 31, 2007, a judge of the Long Branch Municipal Court dismissed the charge.

f. On May 2, 2006, Respondent was arrested by Long Branch Police Officers and charged with Simple Assault, in violation of N.J.S.A. 2C:12-1A, and Resisting Arrest, in violation of N.J.S.A. 2C:29-2A(1). On January 31, 2007, a judge of the Long Branch Municipal Court dismissed the charges.

g. On September 2, 2006, Respondent was arrested by Long Branch Police Officers and charged with Simple Assault, in violation of N.J.S.A. 2C:12-1A. On January 31, 2007, a judge of the Long Branch Municipal Court dismissed the charge.

h. On May 14, 2009, Respondent was arrested by Middletown Police Officers and charged with Shoplifting, in violation of N.J.S.A. 2C:20-11. On June 8, 2009, a judge of the Middletown Township Municipal Court found Respondent

guilty of an amended offense of Disorderly Conduct, a local ordinance violation, and assessed Respondent five hundred ninety-three dollars (\$593).

i. On July 15, 2009, Respondent was arrested by Middletown Police Officers and charged with Assault, in violation of N.J.S.A. 2C:12-1. On July 29, 2009, a judge of the Middletown Township Municipal Court found Respondent guilty of an amended offense of Disorderly Conduct, a local ordinance violation, and assessed Respondent one hundred eighty-nine dollars (\$189).

By letter dated June 24, 2010, the Board sent a letter of inquiry, requesting certain information and submission of documents regarding each arrest, to Respondent's address of record in Long Branch, New Jersey via regular and certified mail.

3. Respondent provided dispositions for most arrests and also provided a document entitled Standard Conditions of Adult Probation. However, Respondent failed to provide the narratives explaining the underlying conduct which lead to each arrest, which the Board requested as part of its investigation, along with information about her current nursing employment, a recent performance evaluation, and police reports for each arrest. Further, Respondent failed to provide any explanation as to why

she would have checked no to the question regarding arrests and convictions when her criminal history revealed otherwise.

4. Subsequently, the Board received a flagging notice indicating that on December 27, 2009, Respondent was arrested by Middletown Police Officers and charged with Contempt of Court Order, in violation N.J.S.A. 2C:29-9B. The flagging notice listed a disposition date of June 8, 2010. Respondent had previously included a document entitled Standard Conditions of Adult Probation which indicated that on June 8, 2010, Respondent was sentenced to one year of probation, 4 days in the county jail, and assessed three hundred ten dollars (\$310) plus monthly probation supervision fees.

5. On a license renewal certified by Respondent on July 3, 2006, Respondent answered "no" to the question of whether she had been arrested, charged or convicted of any offense since her last renewal on or about May 31, 2004. The Criminal History Background Check revealed two arrests during that time period - September 22, 2005 and May 2, 2006.

6. On a license renewal certified by Respondent on May 9, 2008, Respondent answered "no" to the question of whether she had been arrested, charged or convicted of any offense since her last renewal on or about May 31, 2006. The Criminal History Background Check revealed one arrest during that time period -

September 2, 2006.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information regarding her criminal history constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to disclose her criminal history, including an extensive arrest history, on her 2010 reinstatement application and her 2006 and 2008 renewal applications constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Respondent has been convicted of, or engaged in multiple acts constituting, a crime or offense relating adversely to the practice of nursing pursuant to N.J.S.A. 45:1-21(f).

Lastly, the Board finds that Respondent's criminal history demonstrates that she may be incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare within the intendment of N.J.S.A. 45:1-21(i). Pursuant to N.J.S.A. 45:1-22(f), the Board may order any person, as a condition of continued licensure, to submit to any medical or diagnostic testing and monitoring or psychological evaluation

which may be required to evaluate whether continued practice may jeopardize the safety and welfare of the public.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 14, 2012, provisionally imposing a reprimand and a \$250.00 civil penalty, and provisionally requiring respondent to undergo a comprehensive mental health and substance abuse evaluation. A copy of the order was forwarded to respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, indicating that she misunderstood the question about arrests, believing it to relate only to a felony or an indictment. However, the Board noted that respondent provided an inaccurate response on renewal applications more than once with regard to her arrest history. Inasmuch as respondent certified as to the accuracy of her responses, the Board finds that respondent knew or should have

known that she was providing an inaccurate answer, since there was no basis for her assumption that a question inquiring about arrests and convictions only applied to indictments or serious offenses. Moreover, the lengthy history of arrests seven of which relate to assault charges or harassment, resulting in two convictions on lesser charges, is a reasonable basis for the Board to require respondent to undergo evaluation. Accordingly, the Board determined that no material discrepancies had been raised with respect to the Findings of Fact and Conclusions of Law of the Provisional Order, and that therefore the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19th day of July, 2012,
ORDERED that:

1. A civil penalty in the amount of two hundred dollars fifty dollars (\$250.00) is imposed upon Respondent. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Respondent is reprimanded for her violations of N.J.S.A. 45:1-21(b) and (f).

3. Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of New Jersey ("RAMP"), within forty-five (45) days of the date of filing of this Final Order of Discipline. Fourteen days (two weeks) prior to the scheduled date of Respondent's evaluation, Respondent shall notify the Board, in writing and via fax, of the name of the evaluator, and the date and time of the appointment, so that the Board may forward materials to the evaluator for consideration. Respondent shall arrange to have the evaluator submit a report of the evaluation directly to the Board within twenty-one days (three weeks) of the evaluation. The report shall address whether Respondent is fit and competent to practice, and specify the limitations or conditions, if any, under which such practice may continue. The report shall address whether Respondent's continued practice may jeopardize the health, safety and welfare of the public.

4. Failure to comply with the terms of this Order may be deemed professional misconduct pursuant to N.J.A.C. 13:45C1-4, which may subject Respondent to further discipline pursuant to N.J.S.A. 45:1-21(e), including the suspension of her license to practice and the imposition of additional fines.

5. The Board reserves the right to take further action, including discipline and or placing limitations or restrictions on Respondent's license, based upon any new information or upon the results of the evaluation.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
Board President